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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,454	10/01/2003	John L. Thiele	58611US002	7558

32692 7590 09/02/2005

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,454

Applicant(s)

THIELE, JOHN L.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 36-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. In response to applicants' arguments, regarding the restriction requirement, made in the amendment filed on June 6, 2005, applicant is reminded that the election was made without traverse on March 31, 2005 by David Patchett. Further, applicants' acknowledgement is appreciated that the search of the two groups I and II together would require some additional consideration. This would place undue burden on the examiner.

Rejections Withdrawn

2. Claims 1-4, 9-13, 18-22 and 27-32 are rejected under 35 U.S.C. 103(a) as being obvious over Aalbers (6865765) in view of Pallone (4990192) has been withdrawn in view of the amendment filed on June 6, 2005 establishing common ownership of Aalbers and the instant application.

3. Claims 5-8, 14-17, 23-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being obvious over Aalbers in view of Pallone has been withdrawn in view of the amendment establishing common ownership.

Response to Arguments

4. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komeda (English translation of Japanese Patent Application Publication 2001-234148). Komeda, in the English translation, relates to a tape for removing debris from a surface to be cleaned comprising a backing and a pressure sensitive adhesive (PSA) layer that includes tackifier. The roll of tape is adapted to remove debris from a surface without substantially adhering to the surface (see summary section). As mentioned in page-2, the adhesive composition include about 100-200 pbw of tackifier resin for 100 pbw of resin component, 40-125 pbw of plasticizing oil and 1-7 pbw of wax. However, Komeda's English translation fails to teach that the tackifier present is at least 56% by weight. It would have been obvious to one having ordinary skill in the art to modify the adhesive composition of Komeda by providing the adhesive to contain at least 56% by weight of tackifier, based on optimization through routine experimentation. In this case, when the tackifier is taken to be 200 pbw for 100 pbw of resin, 40 pbw of oil and 1 pbw of wax, then the amount of tackifier about 58.7% by weight of the adhesive. Thus the claimed amount of tackifier is at least 56% is met by Komeda.

The optimum amount of Komeda is also inclusive of 58% by weight. As for the amount being at least or more than 60% by weight, it would have been obvious to optimize the

amount of tackifier in the adhesive composition, absent any showing of criticality by the applicant.

The surface to be cleaned can be a floor which includes linoleum, which is known to be non-porous.

Regarding the adhesive exhibiting a rolling ball tack distance of at least about 500 mm and an adhesion to stainless steel of at least 5 N/10mm, it would have been obvious to one having ordinary skill in the art that the adhesive composition of Komeda would exhibit the characteristics of rolling ball tack distance of at least 500 mm or adhesion to stainless steel of at least 5 N/10mm, because the composition content being the same, for optimum surface cleanability.

7. Claims 10-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komeda in view of Wood (5940921).

Komeda's English translation, as discussed above, fails to teach that the adhesive tape roll comprises a plurality of tape layers. Wood discloses a tape roll comprising for removing lint and other debris from a surface. The tape roll comprises a plurality of tape layers (figure-1), wherein each layer is removable from an adjacent underlying layer (figures 1 and 2) along a line of perforations (26). The adhesive layer includes resins as disclosed in col. 2, lines 50-col. 3, line 2. the adhesive includes other additives such as tackifiers, plasticizers, etc. (col. 3, lines 3-5). However, Wood fails to teach that the adhesive includes at least 56% by weight of tackifier. Komeda's English translation, as discussed above, teaches that advantage of using 58.7% by weight of tackifier to

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provide for cleaning debris from a surface without substantially adhering to the surface.

Therefore, it would have been obvious to one having ordinary skill in the art to utilize Komeda's English translation teaching of using tackifier in an amount of 58.7% in the adhesive composition in the invention of Wood with the motivation to provide for cleanability of surface without adhering to the surface.

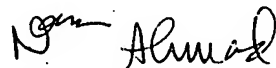
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 8/30/05
Primary Examiner
Art Unit 1772

N. Ahmad.
August 30, 2005.